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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

BEUS GILBERT PLLC,

Plaintiff,
vs.

BRIGHAM YOUNG UNIVERSITY,
WEILIN XIE, DANIEL L. SIMMONS
AND DONALD ROBERTSON,

Defendants/Claimants.

**ANSWER OF BRIGHAM YOUNG
UNIVERSITY TO CROSS-CLAIM OF
DONALD ROBERTSON**

Case No. 2:12-cv-00970-TS (Lead Case)

Case Number: 2:14-cv-00206-BCW

Judge: Honorable Robert J. Shelby

Defendant Brigham Young University (“BYU”) through its undersigned counsel, hereby answers the cross-claim of co-Claimant Donald Robertson, filed on July 2, 2014. BYU answers as follows:

17. Admit
18. On information and belief, admit.
19. On information and belief, admit.
20. On information and belief, admit.
21. Admit.
22. Admit.

23. Admit.

24. Admit.

25. Admit that Simmons brought with him to BYU certain cell clones; otherwise lack information sufficient to form a belief, and therefore deny.

26. Lack information sufficient to form a belief, and therefore deny.

27. Lack information sufficient to form a belief, and therefore deny.

28. Admit that Simmons and Xie conducted experiments together. As to remainder, lack information sufficient to form a belief, and therefore deny.

29. Lack information sufficient to form a belief, and therefore deny.

30. Lack information sufficient to form a belief, and therefore deny.

31. Lack information sufficient to form a belief, and therefore deny.

32. Lack information sufficient to form a belief, and therefore deny.

33. Lack information sufficient to form a belief, and therefore deny.

34. Lack information sufficient to form a belief, and therefore deny.

35. Admit only that Robertson claims to be developer under BYU's IP Policy and claims to be entitled to a portion of the BYU settlement funds; deny the remainder. Affirmatively allege that Robertson's claim to developer status and a portion of settlement funds will be determined through internal BYU academic proceedings, which proceedings have not yet concluded. Robertson recently claimed that he merited developer status and is currently interacting with Xie and Simmons in a process contemplated by the BYU IP Policy. In the event Robertson is unable to reach agreement with Xie and Simmons, BYU will declare that an impasse exists and

proceed pursuant to the dispute resolution provisions of the IP Policy.

36. Admit.

To the extent that a response is appropriate to Robertson's prayer for relief, BYU states as follows: A) agrees that in the event that Robertson does not resolve his dispute with Simmons and Xie, the Court should acknowledge that a dispute exists and that such disputes are to be resolved through internal University procedures pursuant to the Policy; B) agrees that the Court should ultimately enter an order confirming the results of BYU's internal proceedings as to the Claimants' respective rights to the interpleaded funds; C) affirmatively alleges that Robertson's possible future entitlement to settlement funds depends upon the outcome of internal University procedures that have not yet been completed.

DATED this 28th day of July 2014.

PARR BROWN GEE & LOVELESS, P.C.

/s Chad S. Pehrson

Robert S. Clark

Chad S. Pehrson

Attorneys for Defendant Brigham Young
University

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of July 2014, I filed the foregoing **ANSWER OF BRIGHAM YOUNG UNIVERSITY TO CROSS-CLAIM OF DONALD ROBERTSON**

via the CM/ECF system, which electronically served the following:

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